



**UNITED STATES DEPARTMENT OF COMMERCE**  
**Chief Financial Officer and**  
**Assistant Secretary for Administration**  
**Washington, D.C. 20230**

APR 28 2006

**MEMORANDUM FOR:** Department FOIA Officers  
Department FOIA Contacts

**FROM:** Brenda Dolan Departmental  
FOIA Officer

**SUBJECT:** New FOIA Cut-Off Date Regulation

Effective immediately, the cut-off date used in determining records responsive to a Freedom of Information Act (FOIA) (5 U.S.C. § 552) request will be the date the search for responsive documents begins. For each request, it is important to document the date that the search begins in order to establish a uniform cut-off date. The date, the office where the search *begins*, and the individuals who conduct the search should be recorded and made part of the administrative record of the request. I will forward to each of you a draft search form for use in recording and verifying cut-off dates.

The Department has been enjoined from using the current cut-off date regulation (15 C.F.R. § 4.5(a)) by a Federal district court in Oregon. Oregon Natural Desert Association v. Department of Commerce, Case No. 05 -210-K1 (District of Oregon, April 24, 2006). That regulation is being amended, consistent with the Court order. However, the change in the cut-off date (from the time the proper component receives the request to the date the search actually begins) must be used even before the amendment becomes final.

If you have any questions about this matter, please call me at (202) 482-3258.